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LEGAL ETHICS AND PROFESSIONALISM MATERIALS

BRIDGE NUMBER 1

Organizing Committee:

**Hon. Robert Armstrong
Professor Michael Code
Hon. Stephen Goudge
Hon. Joan Lax
Hon. Michel Proulx
Hon. Alison Harvison Young
Prof. Lorne Sossin**

November 2006

**Faculty of Law
University of Toronto**

**These materials are intended for the sole educational use of students at the
University of Toronto's Faculty of Law**

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Legal Ethics and Professionalism Bridge
University of Toronto, Faculty of Law
November 6-10, 2006

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Justice Robert Armstrong
Professor Michael Code
Justice Stephen Goudge
Justice Alison Harvison Young
Justice Joan Lax
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Themes

The bridge week is intended to explore two central themes: first, the bridge will explore the diverse professional ideals which shape advocacy, the pursuit of justice and legal practice; second, the bridge will explore the ethical challenges which confront lawyers in various practice settings and how these challenges may be resolved. While the aim of the week is not to reach particular conclusions on the topics covered, our hope is that students will be exposed to, and have opportunities to discuss, some of the central trends, tensions and controversies shaping the legal profession.

MATERIALS

TABLE OF CONTENTS

The Nature of the Legal Profession

Required

Law Society of Upper Canada – History, Chronology, Equity and Diversity in the Legal Profession, The Changing Face of the Legal Profession
.....pp. 1-7

Justice Rosalie Abella, “Professionalism Revisited” (Opening Address, Benchers’ Retreat, October 14, 1999) pp. 8-18

Roger Cramton, “The Last Class: Living a Good Life as a Lawyer” (2000) Cornell Law Forumpp. 19-23

Recommended

Fiona Kay, “Integrity in a Changing Profession: Issues of Diversity and Inclusion”
.....pp. 24-62

Harry W. Arthurs, “Lawyering in Canada in the 21st Century” (1996) 15 Windsor Yearbook of Access to Justice 202pp. 63-74

Constance Backhouse, “Gender and Race in the Construction of “Legal Professionalism”: Historical Perspectivespp. 75-100

Angela Fernandez, “Polling and Popular Culture (News, Television, and Film): Limitations of the Use of Opinion Polls in Assessing the Public Image of Lawyers” Paper Prepared for the Law Society of Upper Canada Independence of the Bar Task Force
.....pp. 101-115

Conceptual Approaches to Legal Ethics

Required

Rob Atkinson, “How The Butler Was Made to Do It: The Perverted Professionalism of the Remains of the Day” (1995) 105 Yale L.J. 177
.....pp.116-132

Deborah Rhode and Paul Paton, “Lawyers, Ethics and Enron” (2002) Stanford Journal of Law, Business and Finance 9
.....pp.133-154

Randal N.M. Graham, “Morality vs. Market: An Economic Account of Legal Ethics”)
.....pp. 166-186

Recommended

Deborah Rhode, “The Advocate’s Role in the Adversary System” in *In The Interests of Justice: Reforming the Legal Profession* (Oxford: Oxford University Press, 2000)
.....pp. 187-204

Alan Hutchinson, “An Alternative Vision: A Contextual and Pragmatic Approach” in *Legal Ethics and Professional Responsibility* (Toronto: Irwin, 1999)
.....pp. 155-165

Adam Dodek, “Canadian Legal Ethics: A Subject in Search of Scholarship” (2000) 50
University of Toronto Law Journal 115pp. 205-213

Lawyers Responsibility to Clients & Access to Justice

Required

Gavin MacKenzie, *Lawyers and Ethics* (Toronto: Carswell, 1998), ch. 4
.....pp. 215-226

Edward L. Greenspan and George Jonas, *Greenspan: The Case for the Defence* (Toronto: MacMillan), ch. 15 pp. 227-232

Alan Dershowitz, “Defending the Offensive: Judging Who Deserves Representation is Dangerous” (Washington Post, 1997)pp. 233-235

Ronald Goldfarb, “Guilt by Association: Lawyers Should be Judged by the Clients they Keep” (Washington Post, 1997)pp. 236-237

Recommended

R. v. Neil 2002 SCC 70pp. 238-251

Lawyers Responsibility to Society & Access to Justice

Required

Canadian Bar Association v. British Columbia 2006 BCSC 1342
.....pp. 252-261

Justice J.C. Major, “Lawyer’s Obligation to Provide Legal Services” (1995) 32 Alberta L. Rev.	pp. 262-267
Rob Atkinson, “Historical Perspectives on Pro Bono Lawyering: A Social-Democratic Critique of Pro Bono Publico Representation of the Poor: The Good as the Enemy of the Best” (2001) 9 American University J. of Gender, Social Policy & Law 129	pp. 268-288
Avvy Go, “Pro Bono Can’t Replace Legal Aid” (Toronto Star) May 13, 2004	pp. 289
Kirk Makin, “Attorney-General Calls for Review of Legal Aid” (Globe and Mail) September 21, 2006	pp. 290-291
Overview of Legal Aid Ontario	pp. 292-298
Overview of Pro Bono Law Ontario	pp. 299-300
Recommended	
Tanina Rostain, “Colloquium: What Does it Mean to Practice Law “In the Interests of Justice” in the Twenty-First Century? Lawyering and the Possibility of Integrity” (2002) 70 Fordham L. Rev. 1811	pp. 301-312
Reed Elizabeth Loder, “Tending the Generous Heart: Mandatory Pro Bono and Moral Development” (2001) 14 Georgetown J. of Legal Ethics 459	pp. 313-338
Speech by Michael Bryant, Attorney General for Ontario, to PBLO Conference (2004)	pp. 339-342
<i>Polewsky v. Home Hardware Stores Ltd.</i> (Ontario Divisional Court, 2003)	pp. 343-361
<u>Ethical Touchstones & Criminal Law</u>	
Required	
Problems Criminal Law	pp. 362-370
Kent Roach, “Smoking Guns: Beyond the Murray Case” (2000) 43 C.L.Q. 409	pp. 371-372

Justice Michel Proulx and David Layton, *Ethics and Canadian Criminal Law* (Toronto: Irwin, 2001), ch. 9 pp. 373-396

Independence of the Bar

Required

Michael Code & Kent Roach "The Independence of the Bar and the Public Interest: the Scope of Privilege and Confidentiality in the Context of National Security"

Paper Prepared for the Law Society of Upper Canada Independence of the Bar Task Force (August 2006)

.....pp. 397-413

Patrick Monahan, "The Independence of the Bar as a Constitutional Principle in Canada"

Paper Prepared for the Law Society of Upper Canada Independence of the Bar Task Force (August 2006)

.....pp. 414-441

